

Application S/N 10/733,616
Amendment Dated: January 3, 2007
Response to Office Action dated: October 31, 2006

CE11336J1212

RECEIVED
CENTRAL FAX CENTER

JAN 03 2007

REMARKS/ARGUMENTS

Claims 1-22 remain pending in the application. In the Office Action, claims 1-5 and 12-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0013456 to Bates, et al (Bates) in view of U.S. Patent Application Publication No. 2004/0097224 to Lim (Lim). In addition, claims 11 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Lim and further in view of U.S. Patent Application Publication No. 2002/0123309 to Collier, et al (Collier). Claims 6-10 and 17-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Lim and further in view of allegedly well-known prior art. Finally, claims 5 and 16 were objected to as being dependent upon a rejected base claim.

Independent claims 1 and 12 have been amended to clarify that the operational parameter is transmitted from the first mobile unit to the second mobile unit once the communications connection has been established and during the established communications connection. Support for the amendments can be found in FIG. 3 and on page 10, line 7 to page 11, line 5. No new matter has been added in view of these amendments.

Applicants respectfully submit that neither Bates nor Lim show, describe or suggest such a feature. In particular, the location information concerning the mobile units in Bates is transmitted prior to the establishment of communications between mobile units (see the Examiner's comments on page 3 of the Office Action of July 31, 2006). Moreover, Applicants point out that the transmission of state information from a first mobile unit to a second mobile unit does not occur until the established connection

Application S/N 10/733,616
Amendment Dated: January 3, 2007
Response to Office Action dated: October 31, 2008

CE11336J1212

is broken or lost (see paragraphs 0024, 0025, 0026, 0027, 0028, 0034, 0038, 0040, 0053 and 0056). Transmitting operational parameters during an established call, as recited in the claims above, allows for a user to anticipate a potential interruption in communications, which may be particularly useful in simplex communications.

Moving to claims 6, 8, 17 and 19, Applicants respectfully traverse the Examiner's contention that the subject matter of these claims is well known in the art. In particular, Applicants submit that it is not well known to select the type of operational parameters to be transmitted from the first mobile unit to the second mobile unit. The exchange of data during the communication, as described above, is not known. Further, selectively blocking certain parameters from being exchanged between the two units is not known because most data exchanges between mobile units occur without providing the user of a mobile unit with access to prevent them. In fact, neither Bates nor Lim, which respectively describe transferring location information and state data, ever mention anything about selectively transmitting such material.

Also, there is simply no evidence of operational parameters from a remote mobile unit being brought to the attention of the user of a mobile unit through discernable differences in icons, audio tones or vibrations as being well known. Admittedly, Lim expressly notes that "[t]he originating side terminal 10a and the receiving side terminal 10b mutually display a propagation strength of the other terminal on their display units . . ." (see paragraph 0046). Lim does not, however, describe any differences between symbols relating to the remote unit and the unit containing the display. If ever such a concept were contemplated by the prior art, it would have been described here.

Application S/N 10/733,616
Amendment Dated: January 3, 2007
Response to Office Action dated: October 31, 2006

CE11336J1212

In view of the above, Applicants submit that the above claims are now patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department – MD 1610
8000 W. Sunrise Blvd.
Plantation, FL 33322

Customer Number: 24273

By: 

Larry G. Brown
Attorney of Record
Reg. No.: 45,834

Telephone: (954) 723-4295
Fax No.: (954) 723-3871